IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. 2nd BAIL APPL. NO.6730/2006
Mohan V. The State of Rajasthan

Date of order ::: OCTOBER 30, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr. Ravi Shanker Sharma, for the applicant
Mr. A.S. Khangarot, PP for the State

Heard learned counsel for the applicant as well as the learned Public Prosecutor.

This 2nd anticipatory bail application arises out of FIR No.159/2006 Police Station Manoharpur, Distt.Jaipur for offence u/s 143, 341, 323, 452 and 325 IPC. Earlier bail application u/s 438 Cr.P.C.– S.B. Criminal Misc. Bail Application No.5837/2006 moved on behalf of the applicant Mohan was dismissed on 21.9.2006 as not pressed and the other applicant Pradeep son of Jagdish was granted bail. Subsequent to the aforesaid order dated 21.9.2006, co-accused Jagdish and Devendra have been granted bail u/s 437 Cr.P.C. by the trial court. Earlier to it, other co-accused have also been granted bail u/s 438 Cr.P.C. on 13.9.2006 by a co-ordinate Bench of this Court.

Submission of the learned counsel for the applicant is that the applicant has been falsely implicated in a family dispute and has not been shown to be with any weapon. Hence, the applicant may also be granted bail u/s 438 Cr.P.C.

On the other hand, learned Public Prosecutor opposed grant of anticipatory bail to the applicant.

Without expressing any opinion on merits and demerits of the case and taking into consideration all the facts and circumstances of the case for the purpose of bail, I am of the view that present case is fit for grant of anticipatory bail under Section 438 Cr.P.C.

Therefore, the S.H.O./I.O. Of Police Station Manoharpur, Distt. Jaipur is directed that in the event of arrest of the applicant Mohan son of Bheru Ram in FIR No.159/2006 for offence u/s 143, 341, 323, 452 and 325 IPC he shall be released on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) together with two sureties in the sum of Rs.25,000/- each to his satisfaction on the following conditions:

1. That the applicant shall make themselves available for interrogation by Investigating Officer as and when required;
2. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
3. That the applicant shall not leave India without prior permission of the Court.

(PREM SHANKER ASOPA) J.

Gopal